

REMARKS

The Office Action mailed April 21, 2008, has been received and reviewed. Claims 1 through 22 are currently pending in the application. Claims 1 through 22 stand rejected. Applicants have amended claims 1, and 16-22 and respectfully request reconsideration of the application as amended herein.

No new matter has been added.

35 U.S.C. § 112, First Paragraph

Claims 16-22 were rejected under 35 U.S.C. § 112 as failing to comply with the enablement requirement.

Applicants have amended claims 16-22 to specifically recite, in part, "computer readable instructions" and "instructions for causing a computer to..." which indicate how the method is performed and the apparatus employed. Therefore, Applicants request that the rejection of claims 16-22 as being unpatentable under 35 U.S.C. § 112 be withdrawn.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on U. S. Patent No. 6,097,834 to Krouse et al.

Claims 1 and 9 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 6,097,834 to Krouse et al. (hereinafter "Krouse"). Applicants respectfully traverse this rejection, as hereinafter set forth.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (Aug. 2001) (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (*quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1051, 1053 (Fed. Cir. 1987)). In addition, "the reference must be enabling and describe the applicant's invention sufficiently to have

placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that claims 1 and 9 are not anticipated by Krouse because the reference does not disclose all the claim limitations of the presently claimed invention as set forth above.

Applicants submit that Krouse does not disclose the claim limitations of “matching the document image against a series of document templates from the account, each document template including information about a unique layout of a particular document to allow that particular document to be identified and information in that particular document to be identified and read”. (Currently Amended Independent Claim 1).

The Office Action states that Krouse discloses the limitation “matching the document image against a series of known document templates from the account, each document template including information about a unique layout of a particular document to allow that particular document to be identified and information in that particular document to be identified and read” and cites Col. 4, lines 18-39; fig. 6, item 110, Col. 14, line 64 – Col. 16, line 2; Col. 2, line 63 – Col. 3, line 25. Applicant respectfully submit that the cited portions do not disclose the limitation, “matching the document image against a series of document templates from the account, each document template including information about a unique layout of a particular document to allow that particular document to be identified and information in that particular document to be identified and read.”

The Examiner specifically cites Col. 4, lines 18-39 as disclosing “known document templates” (“different respective formats”). Applicants respectfully submit that the cited portion does not disclose the full text, “a series of document templates from the account”. Col. 4, lines 18-39 is silent regarding the source of the “respective other transaction documents having different respective formats”. The balance of the citation provides a description of the apparatus used for scanning and analyzing the “reference recognition characteristics.”

In similar fashion, Col. 2, line 63 – Col. 3, line 25 is cited as disclosing "the account." However, the cited portion provides a general discussion of the various types of account and accounts payable documents that may be utilized with Krouse's disclosure, but is silent regarding any linkage between the account and "a series of document templates from the account."

The Examiner further cites Col. 14, lines 64-67 as disclosing "...to allow that particular document to be identified and read;" specifically, "processor 220 compares the recognition characteristics of the particular document 400 being processing[sic] with the sets of reference recognition characteristics stored in the archive." The cited portion is silent regarding the source of the "reference recognition characteristics" stored in the archive.

Krouse also does not disclose the limitation, "using the appropriate template from the account to identify a location on the document to look for information that is desired during document processing," found in amended claim 1. As noted above, Krouse is silent regarding the source of the document templates stored in the archive, and appears to use standardized, general financial documents. (Col. 7, lines 32-53; Col. 16, lines 43-59)

Applicants respectfully submit that since Krouse does not disclose all of the limitations of Applicants' invention as claimed, Krouse cannot anticipate Applicants' invention under 35 U.S.C. § 102. Therefore, Applicants respectfully request that the rejections be withdrawn.

Claim 9 is allowable as depending directly from allowable independent claim 1.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on Krouse and Further in View of U.S. Patent No. 5,668,897 to Stolfo

Claims 2-8 and 10-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Krouse and further in view of Stolfo (U.S. Patent No. 5,668,897

hereinafter "Stolfo"). Applicants respectfully traverse this rejection, as hereinafter set forth.

The nonobviousness of independent claim 1 precludes a rejection of claim 2 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d, 1596, 1600 (Fed. Cir. 1988). Therefore, Applicant requests that the Examiner withdraw the rejection to claim 2.

The nonobviousness of independent claim 1 precludes a rejection of claim 3 which depends indirectly therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d, 1596, 1600 (Fed. Cir. 1988). Therefore, Applicants request that the Examiner withdraw the rejection to claim 3.

The nonobviousness of independent claim 1 precludes a rejection of claim 4 which depends therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d, 1596, 1600 (Fed. Cir. 1988). Therefore, Applicant requests that the Examiner withdraw the rejection to claim 4.

The nonobviousness of independent claim 1 precludes a rejection of claim 5 which depends indirectly therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d, 1596, 1600 (Fed. Cir. 1988). Therefore, Applicant requests that the Examiner withdraw the rejection to claim 5.

The nonobviousness of independent claim 1 precludes a rejection of claim 6 which depends indirectly therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. See In re Fine, 5 U.S.P.Q.2d, 1596, 1600 (Fed. Cir. 1988). Therefore, Applicant requests that the Examiner withdraw the rejection to claim 6.

The nonobviousness of independent claim 1 precludes a rejection of claim 7 which depends indirectly therefrom because a dependent claim is obvious only if the independent

claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d, 1596, 1600 (Fed. Cir. 1988). Therefore, Applicant requests that the Examiner withdraw the rejection to claim 7.

The nonobviousness of independent claim 1 precludes a rejection of claim 8 which depends indirectly therefrom because a dependent claim is obvious only if the independent claim from which it depends is obvious. *See In re Fine*, 5 U.S.P.Q.2d, 1596, 1600 (Fed. Cir. 1988). Therefore, Applicant requests that the Examiner withdraw the rejection to claim 8.

Claim 10 was rejected for the reasons given for claims 1, 2, 4, and 9.

To establish a *prima facie* case of obviousness the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. *In re Royka*, 490 F.2d 981, 985 (CCPA 1974); *see also* MPEP § 2143.03. Additionally, there must be “a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742, 167 L.Ed.2d 705, 75 USLW 4289, 82 U.S.P.Q.2d 1385 (2007). Finally, to establish a *prima facie* case of obviousness there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986). Furthermore, the reason that would have prompted the combination and the reasonable expectation of success must be found in the prior art, common knowledge, or the nature of the problem itself, and not based on the Applicant’s disclosure. *DyStar Textilfarben GmbH & Co. Deutschland KG v. C. H. Patrick Co.*, 464 F.3d 1356, 1367 (Fed. Cir. 2006); MPEP § 2144. Underlying the obvious determination is the fact that statutorily prohibited hindsight cannot be used. *KSR*, 127 S.Ct. at 1742; *DyStar*, 464 F.3d at 1367.

Specifically, the rejection fails to meet at least the criterion that the prior art references must teach or suggest all the claim limitations. Applicant submits that any proposed combination of Krouse in view of Stolfo does not and cannot establish a *prima facie* case of obviousness under 35 U.S.C. § 103 regarding the presently claimed invention of independent claim 10 because, at the very least, the cited prior art does not teach or

suggest all the claim limitations of the presently claimed invention as set forth hereinabove.

Applicants submit that the combination of Krouse and Stolfo does not teach the claim limitation “matching the document image against a series of document templates from the account, each document template including information about a unique layout of a particular document to allow that particular document to be identified and information in that particular document to be identified and read” as found in independent claims 1 and 10.

Claim 10 is allowable for the reasons given above with respect to claim 1. Adding Stolfo does not cure the Krauses deficiencies. The Examiner cites Stolfo as disclosing “matching the confidence scores with a predetermined high similarity threshold . . .” and cites fig. 6 as disclosing, teaching or suggesting the limitation. However, Stolfo is silent regarding the limitation “matching the document image against a series of document templates from the account, each document template including information about a unique layout of a particular document to allow that particular document to be identified and information in that particular document to be identified and read”.

Stolfo discloses a method for processing an image, consisting of a foreground and a background, to produce a highly compressed and accurate representation of the image. (Abstract) The image is compared with a codebook of stored digital images. (Col. 11, lines 18-20) Stolfo is silent regarding the source of the images used to build the codebook. Therefore, Applicant submits that Stolfo does not teach, disclose, or suggest the limitation “matching the document image against a series of document templates from the account, each document template including information about a unique layout of a particular document to allow that particular document to be identified and information in that particular document to be identified and read,” and requests that the rejection of claim 10 be withdrawn.

Claim 11 is allowable as depending directly from an allowable base claim.

Claim 12 is allowable as depending directly from an allowable base claim.

Claim 13 is allowable as depending directly from an allowable base claim.

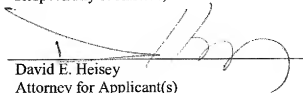
Claim 14 is allowable as depending indirectly from an allowable base claim.
Claim 15 is allowable as depending indirectly from an allowable base claim.
Claim 16 is allowable for the reasons given above for claims 1 and 10.
Claim 17 is allowable as depending directly from an allowable base claim.
Claim 18 is allowable as depending directly from an allowable base claim.
Claim 19 is allowable as depending directly from an allowable base claim.
Claim 20 is allowable as depending indirectly from an allowable base claim.
Claim 21 is allowable as depending indirectly from an allowable base claim.
Claim 22 is allowable as depending directly from an allowable base claim.

CONCLUSION

Claims 1-22 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicants' undersigned attorney.

Date: September 5, 2008

Respectfully submitted,



David E. Heisey
Attorney for Applicant(s)
Reg. No. 42,651

SHEPPARD MULLIN RICHTER
& HAMPTON LLP
333 S. Hope Street, 48th Floor
Los Angeles, CA 90071
Telephone No.: (858) 720-8900
Facsimile No.: (858) 509-3691